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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,917	01/28/2000	Chris Warren Patten	50N3426(3020/5)	2820

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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/493,917

Applicant(s)

PATTEN ET AL.

Examiner

BRIAN P. YENKE

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,8-14,17 and 20- 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-14,17,20 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. The examiner is providing a new grounds of rejection, since one of the applied references (Marflak et al., US 6,323,915) in the rejection is assigned to the same assignee in the current application, which was filed after 29 November 1999. Any inconvenience is regretted.
2. The amendment received 23 June 2003 does not comply with rule 37 CFR 1.121, which requires a complete listing of all the claims, specifically claims 11-12 and 17-18 were not included. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 8-14 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Teraoka et al., US 5,537,149 in view of applicants admitted prior art.**

In considering claims 1-2 and 10-11

1) *the claimed receiving an image having a first aspect ratio...* is met where a video image of a first aspect ratio (4:3 or 16:9) is received (col 5, line 14-46).

2) *the claimed displaying said image on a display having a second aspect ratio* is met where the received first aspect ratio (4:3 or 16:9) is converted into a display format (16:9 or 4:3) respectively (col 5, line 14-46).

3) *the claimed moving said image* is met where Teraoka et al., discloses a system which expands or compresses the respective video signal, where the video signal is size adjusted to maintain the distance from the original vertical and horizontal center.

However, Teraoka remains silent on the display having sensors which detect the image and moving the image as a single entire image.

The use of sensors on a display to control the displayed picture is well-known in the art. As disclosed by applicant's Fig 1, 2 which includes sensors 108/208, 110/210, 112/212 and 114/214 to ascertain the position of the displayed image and assist in the adjustment of the displayed picture.

Teraoka et al, discloses a Display Device which receives either a 4:3 or 16:9 video signals and displays the received signal on a 16:9 and 4:3 display device respectively. Teraoka discloses a system which expands or compresses the respective

video signal, where the video signal is size adjusted to maintain the distance from the original vertical and horizontal center.

Sensors are conventional in the art, where sensors are used to center a received signal onto a display. In the event a signal is displayed which has the desired aspect ratio, where the image is shifted down (or up, left or right), in order to center the signal the signal must be moved (as a single entire image) up (or down, right or left respectively) in order to provide a centered display which maintains the image aspect ratio.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Teraoka which discloses a system which receives either a 16:9/4:3 video signal being displayed on a 4:3/16:9 display by expanding or compressing the image to maintain the center position of the original image, by using the conventional sensors as admitted by applicant's Fig 1, 2, and moving an image of the desired aspect ratio to the sensors, in order to properly align/display the received on the appropriate display.

In considering claims 3 and 12,

*The claimed wherein said first aspect ratio is a 16:9 aspect ratio and said second aspect ratio is a 4:3 aspect ratio* is met by Teraoka, which discloses the displaying of a received 4:3 and 16:9 video signal, onto a 16:9 and 4:3 display, respectively.

In considering claims 4-5, 8-9, 13-14 and 18,

As stated above in claim 1, Teraoka remains silent on the use of conventional sensors as disclosed in applicant's Fig 1 and 2, and also in the step size being in centimeters.

The use of sensors on a display to control the displayed picture is well-known in the art. As disclosed by applicant's Fig 1, 2 which includes sensors 108/208, 110/210, 112/212 and 114/214 to ascertain the position of the displayed image and assist in the adjustment of the displayed picture.

Teraoka, discloses a Display Device which receives either a 4:3 or 16:9 video signals and displays the received signal on a 16:9 and 4:3 display device respectively. Teraoka discloses a system which expands or compresses the respective video signal, where the video signal is size adjusted to maintain the distance from the original vertical and horizontal center. Although, Teraoka remains silent on the size of the adjustments, it is known that pixels range in size in terms of millimeters and thus a centimeter step (increment) would provide an adjustment in terms of multiple pixels.

Therefore, it would have been obvious to one of ordinary skill in the art, to modify/utilize in Teraoka, which discloses the conversion of a received first aspect ratio video signal, into a 2<sup>nd</sup> displayed aspect ratio, with applicant's admitted prior art, in order to determine the position of the adjusted 2<sup>nd</sup> aspect ratio video signal, by using conventional display sensors in order to maintain the center position, both horizontally and vertically, of the original 1<sup>st</sup> aspect ratio receive signal, by moving the image (converted or not) to ensure the image is centered on the display by adjusting the pixels (which are in units of millimeters) in steps of centimeters in centering the image.

Art Unit: 2614

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

**Any response to this action should be mailed to:**


Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703)305-4700.

  
BRIAN P. YENKE  
Patent Examiner  
Art Unit 2614



B.P.Y

July 30, 2003